IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA)	
	Plaintiff,) 8:09CR218)	
	vs.) DETENTION ORDER	
JE	SUS ROCHA-CRUZ,		
	Defendant.	}	
A.	Order For Detention After waiving a detention hearing pursuant Act on June 5, 2009, the Court orders the a to 18 U.S.C. § 3142(e) and (i).		
B.	Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.		
C.	The Court's findings are based on the evidence which was presented in court and contained in the Pretrial Services Report, and includes the following: X (1) Nature and circumstances of the offense charged: X (a) The crime: the distribution of methamphetamine (Count I) in violation of 21 U.S.C. § 841 carries a minimum sentence of five years imprisonment and a maximum of forty years imprisonment; the distribution of methamphetamine (Count II) in violation of 21 U.S.C. § 841 carries a minimum sentence of twenty years imprisonment; the possession of a defaced firearm (Count III) in violation of 18 U.S.C. § 922 carries a maximum sentence of ten years imprisonment. (b) The offense is a crime of violence. (c) The offense involves a large amount of controlled substances, to wit:		
	may affect whete The defendant has a second control of the defendant h	of the defendant including: appears to have a mental condition which her the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. Is not a long time resident of the community. does not have any significant community	

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	The defendant has a prior record of failure to appear at
	court proceedings. ne of the current arrest, the defendant was on:
(b) At the th	Probation
	Parole
	Release pending trial, sentence, appeal or completion of
	sentence.
(c) Other Fa	
	The defendant is an illegal alien and is subject to
	deportation.
	The defendant is a legal alien and will be subject to
	deportation if convicted. The Bureau of Immigration and Custom Enforcement
	(BICE) has placed a detainer with the U.S. Marshal.
	Other:
	nd seriousness of the danger posed by the defendant's
release are as	follows: The nature of the charges in the Indictment.
X (5) Rebuttable Pro	esumntions
X (5) Rebuttable Presumptions In determining that the defendant should be detained, the Court also relied	
	rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)
	t finds the defendant has not rebutted:
	condition or combination of conditions will reasonably
	ne appearance of the defendant as required and the safety
	her person and the community because the Court finds that
tne crime	e involves:
	(1) A crime of violence; or(2) An offense for which the maximum penalty is life
	imprisonment or death; or
<u>X</u>	(3) A controlled substance violation which has a maximum
	penalty of 10 years or more; or
	(4) A felony after the defendant had been convicted of two
	or more prior offenses described in (1) through (3)
	above, <u>and</u> the defendant has a prior conviction for one
	of the crimes mentioned in (1) through (3) above which
	is less than five years old and which was committed
V (b) That no	while the defendant was on pretrial release.
X (b) That no condition or combination of conditions will reasonab assure the appearance of the defendant as required and the safe of the community because the Court finds that there is probab	
	(1) That the defendant has committed a controlled
	substance violation which has a maximum penalty of
	10 years or more.
	(2) That the defendant has committed an offense under 18
	U.S.C. § 924(c) (uses or carries a firearm during and in
	relation to any crime of violence, including a crime of
	violence, which provides for an enhanced punishment
	if committed by the use of a deadly or dangerous
	weapon or device).

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- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: June 8, 2009. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge